

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF NORTH CAROLINA

RYAN McFADYEN, et al.,

Plaintiffs,

v.

DUKE UNIVERSITY, et al.,

Case No: 1:07CV953

Defendants.

ORDER

This matter is before the Court on a Motion for Extension of Time for Plaintiffs to File Responses to Rule 12 Briefs [Document #66], a Consent Motion to Extend Time for Replies [Document #69], and Plaintiffs' Motion for Leave to File Plaintiffs' Opposition Briefs to Defendants' 12(b)(6) Motion [Document #71]. Plaintiffs did not file their Response Briefs within the time frame previously established by the Court, but on October 6, 2008, Plaintiffs filed their Response Briefs as attachments to their Motion for Leave to File Plaintiffs' Opposition Briefs.

The Court has considered the matters raised in the Motions and the various responses by the Defendants. The Court notes that although all of the Defendants apparently opposed Plaintiffs' original request for an extension of time, at least some of the Defendants have offered to consent to the filing of Plaintiffs' Responses as long as the deadline for Replies is extended to November 26, 2008. Having considered these matters, the Court will not strike Plaintiffs' belated Responses, and the Court in its discretion will allow Plaintiffs leave to file their Response

Briefs. The Court notes that because the Responses are currently filed as attachments to Plaintiffs' Motion for Leave to File Plaintiffs' Opposition Briefs [Document #71], Plaintiffs must re-file their Responses as separate documents on or before Friday, October 10, 2008. In order to address the positions raised by the various Defendants as a result of Plaintiffs' belated filing, the Court will extend the deadline for Defendants to file their Replies until November 26, 2008.

IT IS THEREFORE ORDERED that Plaintiffs' Motion for Leave to File Plaintiffs' Opposition Briefs [Document #71] is GRANTED, and Plaintiffs must re-file their Responses as separate documents on or before Friday, October 10, 2008. As a result of this determination, Plaintiffs' Motion for Extension of Time [Document #66] is MOOT.

IT IS FURTHER ORDERED that the Consent Motion for Extension of Time to File Replies [Document #69] is GRANTED, and the deadline for filing Reply Briefs for all Defendants is extended to November 26, 2008.

This, the 7th day of October, 2008.


United States District Judge